

IN RE: PETITION FOR ZONING VARIANCE
E/S Birch Brook Court
305' S of c/l Pinedale Drive
(13 Birchbrook Court)
11th Election District
6th Councilmanic District
Lewis G. Bell, Sr.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-466-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 8 ft. and a track boundary setback of 20 ft. for an open projection (deck) in lieu of the minimum 11.25 ft. and 26.25 ft., respectively; and to amend the Second Amended Final Development Plan of Pinedale Woods, lot #9, Section II, Plat III, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Lewis G. Bell, Sr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 13 Birchbrook Court, consists of 0.284 acres more or less zoned D.R. 3.5 and is currently improved with a single family dwelling and attached garage. The subject property is a pie shaped lot with access to Birchbrook Court via a panhandle. Said property slopes from the rear of the dwelling to a stream at a rate of approximately 3.1.

The Petitioner indicated that there are no improvements to the rear of his property and that the woods border the aforementioned stream. Petitioner also stated that he is desirous of constructing an open projection deck from the rear of his dwelling, as the current slope of his back yard renders it unusable for recreation.

Testimony indicated the requested variance, if granted, will not create any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of May, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 8 ft. and a track boundary setback of 20 ft. for an open projection (deck) in lieu of the minimum 11.25 ft. and 26.25 ft., respectively; and, to amend the Second Amended Final Development Plan of Pinedale Woods, lot #9, Section II, Plat III, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

- 2) The Petitioner shall not enclose any side of said deck excluding the vertical side abutting the dwelling wall. This restriction includes the three vertical planes on the remaining three sides of the deck, both above and below the surface of the deck, and the horizontal plane above the deck.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm

cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/25/89
By Shirley M. Haines

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-466-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.1 of the B.C.Z.R. and V.B.S.A. and V.B.S.B. of the C.M.D.P. to permit rear yard setback of 8' and a track boundary setback of 20' for an open projection (deck) in lieu of the minimum 11.25' and 26.25', respectively, and an amendment to the Second Amended Final Development Plan of Pinedale Woods, Section II, Plat III.

(PRACTICAL DIFFICULTY)
DUE TO THE UNUSUAL SHAPE OF THE LOT WE ARE UNABLE TO HAVE A PLACE TO RELAX IN THE SUMMER (THE LOT IS ALL HILLS) WITH NO FLAT LAND TO PLACE CHAIRS.
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s): LEWIS G. BELL, SR.
(Type or Print Name)
Signature: [Signature]
Address: 13 Birchbrook Ct, S 2298
City and State: BALTO MD 21236
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: same
Address: _____
City and State: _____
Attorney's Telephone No.: _____

MAP NE 106
4C
E.D. 11
DATE 5-22-89
200 BF
1000 BF
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of May, 1989, at 2 o'clock p.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ZONING DESCRIPTION: 367

BEGINNING ON THE NORTH SIDE AT THE EASTERN END OF BIRCHBROOK COURT, 24 FEET WIDE, AT THE DISTANCE OF 305 FEET SOUTH OF THE INTERSECTION OF THE CENTERLINE OF PINEDALE DRIVE, BEING LOT #9, BLOCK 6, PART III, SECTION II, PINEDALE WOODS, BALTIMORE COUNTY ALSO KNOWN AS 13 BIRCHBROOK COURT PERRY HALL MARYLAND 21236 IN THE 11TH ELECTION DISTRICT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 4/25/89
Posted for: Variance
Petitioner: Lewis G. Bell, Sr.
Location of property: 13 Birch Brook Ct, 205 S Pinedale Dr
Location of Sign: Facing east 4 Birch Brook Ct, corner 20' from west side between said ways leading to property
Remarks: _____
Posted by: [Signature] Date of return: 4/27/89
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller
Deputy Director of Planning
SUBJECT: ZONING ADVISORY COMMENTS

DATE: 4/20/89

Case No. 89-466-A
Item No. 367
Re: Lewis G. Bell, Sr.

The Petitioner requests a variance to permit a rear yard setback of 8 feet and a track boundary setback of 20 feet for an open projection (deck) in lieu of the required 11.25 feet and 26.25 feet, respectively, and to amend the Second Amended Final Development Plan of Pinedale Woods, Section II, Plat III. In reference to this request, staff offers the following comment:

The portion of the lot on which the deck is located adjoins the plat of Pinedale Woods, Section I, Plat II. The tract boundary is not impacted by the construction of the deck and the requested variance is not necessary.

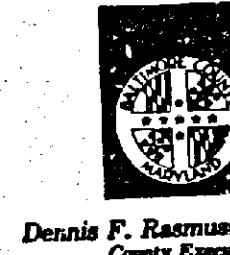
A:51689.txt pg. 4

cc: Lewis G. Bell, Sr.
4-25-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 24, 1989



Mr. Lewis G. Bell, Sr.
13 Birchbrook Court
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 89-466-A

Dear Mr. Bell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 20, 1989.

THE NORTHEAST
THE JEFFERSONIAN.

S. Zeke Olson
Publisher

PO 11951
rg 128908
89-466-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Date: 4-25-89



Mr. Lewis G. Bell, Sr.
13 Birchbrook Court
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 89-466-A
E/S Birch Brook Court, 305' S of c/l Pinedale Drive
13 Birchbrook Court
11th Election District - 6th Councilmanic
Petitioner(s): Lewis G. Bell, Sr.
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$23.60 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 067980

DATE: 5/16/89 ACCOUNT: P01-615-000

AMOUNT: 23.60

RECEIVED Lewis G. Bell
FOR: P.A.P. 5/16/89 Hearing 89-466-A

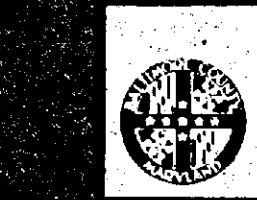
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

April 5, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-465-A
E/S Birch Brook Court, 305' S of c/l Pinedale Drive
13 Birchbrook Court
11th Election District - 8th Councilmanic
Petitioner(s): Lewis G. Bell, Sr.
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

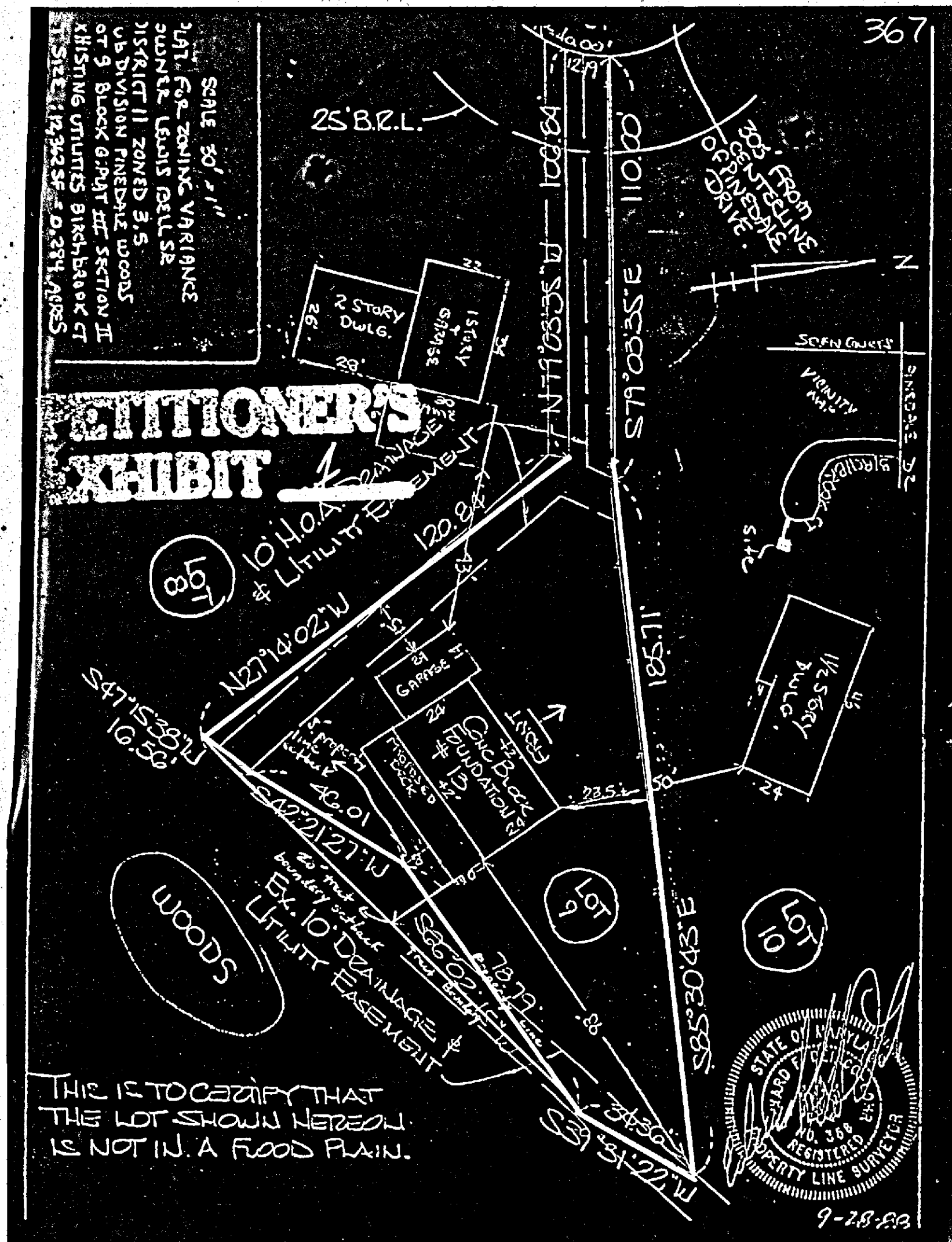
Variance to permit a rear yard setback of 8 ft. and a tract boundary setback of 20 ft. for an open projection (deck) in lieu of the minimum 11.25 ft. and 26.25 ft., of Pinedale Woods, Section II, Plat III.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Lewis G. Bell, Sr.
File



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

May 1, 1989

Mr. Lewis G. Bell, Sr.
13 Birchbrook Court
Baltimore, MD 21236

RE: Item No. 367, Case No. 89-465-A
Petitioner: Lewis G. Bell, Sr.
Petition for Zoning Variance

Dear Mr. Bell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE. ATTENTION: JULIE WINKLASKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

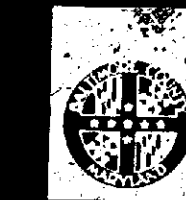
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 21, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, and 382.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 28 1989

ZONING OFFICE

89-465-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
32nd day of March, 1989.

Petitioner: Lewis G. Bell, Sr.
Petitioner's Attorney: [Signature]
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Lewis G. Bell, Sr.

Location: E/S of Birch Brook Court, 305' S of centerline
of Pinedale Dr.
Item No.: 367 Zoning Agenda: March 21, 1989

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] NOTED & APPROVED: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

MS 20 58